

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s): 12-57302

District Court/Agency Case Number(s): 2:12-cv-08315-MWF-VBK

District Court/Agency Location: Central District of California, Los Angeles

Case Name: Cindy Lee Garcia v. Google, Inc., et al.

If District Court, docket entry number(s) of order(s) appealed from: #39 - Order Denying Plaintiff Garcia's Motion for Preliminary Injunction

Name of party/parties submitting this form: Plaintiff - Appellant.

Please briefly describe the dispute that gave rise to this lawsuit.

Attachment A

Briefly describe the result below and the main issues on appeal.

Attachment B

(Please continue to next page)

Describe any proceedings remaining below or any related proceedings in other tribunals.

Attachment C

Provide any other thoughts you would like to bring to the attention of the mediator.

Attachment D

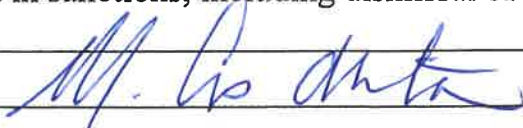
Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### CERTIFICATION OF COUNSEL

I certify that:

- ☒ a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).
- ☒ I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature



("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Plaintiff - Appellant

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

#### Attachment A

The dispute involves Defendants' posting on and/or refusing to take down from YouTube a propaganda film titled, "The Innocence of Muslims." Plaintiff is an actress who was tricked into appearing in the film when Defendant Nakoula lied to her about the nature of the project and provided her with a falsified script. After Plaintiff delivered her performance based on the script she was provided, Defendant Nakoula (who has many aliases and is currently imprisoned on a federal fraud conviction) dubbed over Plaintiff's performance to make it appear as though Plaintiff had called the Islamic religious figure Mohammed a "child molester." As a result, Plaintiff is now the subject of a "fatwa" death sentence.

#### Attachment B

Plaintiff sought a preliminary injunction requiring takedown on the grounds that under 9th Circuit law, Defendants' worldwide distribution of the doctored version of her performance violated her copyright in that performance and subjected her to imminent and irreparable harm. The Central District of California denied Plaintiff's request on the grounds that it could not identify a copyright interest and that Plaintiff had not acted speedily enough to protect her interests. The main issues on appeal are whether the Plaintiff retains her copyright interest where she never released that interest, and whether Plaintiff's filing of this case approximately one week after YouTube's final refusal to remove the video was quick enough to entitle Plaintiff to a preliminary injunction.

#### Attachment C

The case is stayed pending this appeal.

Plaintiff filed a similar action in state court on state-law grounds, which she has voluntarily dismissed.

#### Attachment D

Plaintiff seeks a rapid resolution to this case because she and her family continue to receive gruesome death threats every day that Defendants continue to distribute the video worldwide. Additionally, the mediator

should know that Defendants have filed papers with the district court purporting to constitute a "release" by Plaintiff of her copyright; a reputable handwriting expert has determined that those papers were forged.

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